



General Assembly

January Session, 2005

**Committee Bill No. 5733**

LCO No. 3490

\*03490HB05733JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING THE RESPONSIBILITY FOR THE  
DISPOSITION OF THE PROPERTY OF EVICTED TENANTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 47a-42 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) Whenever a judgment is entered against a defendant pursuant to  
4 section 47a-26, 47a-26a, 47a-26b or 47a-26d for the recovery of  
5 possession or occupancy of residential property, such defendant and  
6 any other occupant bound by the judgment by subsection (a) of section  
7 47a-26h shall forthwith remove himself or herself, such defendant's or  
8 occupant's possessions and all personal effects unless execution has  
9 been stayed pursuant to sections 47a-35 to 47a-41, inclusive. If  
10 execution has been stayed, such defendant or occupant shall forthwith  
11 remove himself or herself, such defendant's or occupant's possessions  
12 and all personal effects upon the expiration of any stay of execution. If  
13 the defendant or occupant has not so removed himself or herself upon  
14 entry of a judgment pursuant to section 47a-26, 47a-26a, 47a-26b or  
15 47a-26d, and upon expiration of any stay of execution, the plaintiff  
16 may obtain an execution upon such summary process judgment, and

17 the defendant or other occupant bound by the judgment by subsection  
18 (a) of section 47a-26h and the possessions and personal effects of such  
19 defendant or other occupant may be removed by a state marshal,  
20 pursuant to such execution, and such possessions and personal effects  
21 may be set out on the adjacent sidewalk, street or highway.

22 (b) Before any such removal, the state marshal charged with  
23 executing upon any such judgment of eviction [shall give the chief  
24 executive officer of the town twenty-four hours notice of the eviction,  
25 stating the date, time and location of such eviction as well as a general  
26 description, if known, of the types and amount of property to be  
27 removed from the premises. Before giving such notice to the chief  
28 executive officer of the town, the state marshal] shall use reasonable  
29 efforts to locate and notify the defendant of the date and time such  
30 eviction is to take place and of the possibility of a sale pursuant to  
31 subsection (c) of this section. Such notice shall include service upon  
32 each defendant and upon any other person in occupancy, either  
33 personally or at the premises, of a true copy of the summary process  
34 execution. Such execution shall be on a form prescribed by the Judicial  
35 Department, shall be in clear and simple language and in readable  
36 format, and shall contain, in addition to other notices given to the  
37 defendant in the execution, a conspicuous notice, in large boldface  
38 type, that a person who claims to have a right to continue to occupy  
39 the premises should immediately contact an attorney.

40 (c) Whenever the possessions and personal effects of a defendant  
41 are set out on the sidewalk, street or highway, and are not immediately  
42 removed by the defendant, the [chief executive officer of the town]  
43 state marshal who set out such possessions and personal effects on the  
44 sidewalk, street or highway shall remove and store the same. Such  
45 removal and storage shall be at the expense of the defendant. If such  
46 possessions and effects are not called for by the defendant and the  
47 expense of such removal and storage is not paid to the [chief executive  
48 officer] state marshal within fifteen days after such eviction, the [chief  
49 executive officer] state marshal shall sell the same at public auction,

50 after using reasonable efforts to locate and notify the defendant of such  
 51 sale and after posting notice of such sale for one week on the public  
 52 signpost nearest to the place where the eviction was made, if any. [ or  
 53 at some exterior place near the office of the town clerk. The chief  
 54 executive officer] The state marshal shall deliver to the defendant the  
 55 net proceeds of such sale, if any, after deducting a reasonable charge  
 56 for removal and storage of such possessions and effects. If the  
 57 defendant does not demand the net proceeds within thirty days after  
 58 such sale, the [chief executive officer] state marshal shall turn over the  
 59 net proceeds of the sale to the [town treasury] State Treasurer for  
 60 deposit in the General Fund.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2005	47a-42
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**Statement of Purpose:**

To consolidate the eviction process under the authority of the state marshals.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: REP. PAWELKIEWICZ, 49th Dist.

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